

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

DAVID BACKUS,**Defendant**

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Case No. 5:22-MJ-629 (ATB)

U.S. DISTRICT COURT - N.D. OF N.Y.

FILED

Oct 20 - 2022

John M. Domurad, Clerk

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of May 23, 2022, in the county of Onondaga in the Northern District of New York and elsewhere, the defendant violated:

Code Section
18 U.S.C. § 876(c)

Offense Description
Mailing threatening communications

This criminal complaint is based on these facts:
See attached affidavit

Continued on the attached sheet.

Complainant's signature

William M. Price, Postal Inspector

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 10/20/2022

Judge's signature

City and State: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, William M. Price, being duly sworn, depose and say as follows:

PURPOSE OF AFFIDAVIT

1. I make this affidavit in support of a criminal complaint and arrest warrant charging DAVID BACKUS (“BACKUS”) with mailing threatening communications in violation of Title 18, United States Code, Section 876(c).

INTRODUCTION

2. I am a United States Postal Inspector currently assigned to Syracuse, New York. I have been so employed since July 2020. I am assigned to various types of investigations, including the use of the U.S. mail to transmit dangerous items. I am responsible for investigations involving the illegal use of the U.S. mail in the trafficking of narcotics, controlled substances, illegal narcotics, or proceeds derived from the sale of controlled substances, in violation of Title 21, United States Code, Sections 841 and 846. Further, I am responsible for the mailing of items that could be harmful to the health of customers and employees of the USPS. During my time as a Postal Inspector, I have attended basic and advanced training involving the investigation of the mailing of dangerous substances and explosive devices. Further, I have conducted investigations regarding threats mailed via USPS, in violation of Title 18, United States Code, Section 876. Prior to my employ by the United States Postal Inspection Service (“USPIS”), I was employed as a Special Agent with the United States Drug Enforcement Administration (“DEA”) from 2015 to 2020. During my time as a DEA Special Agent, I was responsible for the investigation of large-scale narcotic conspiracies, including many investigations with connections to transnational criminal organizations. These investigations have involved the distribution and/or transportation of methamphetamine, MDMA, marijuana, cocaine, heroin, steroids, fentanyl, synthetic drugs, and

other controlled and non-controlled prescription drugs, using traditional investigatory methods, electronic surveillance, and court-ordered wiretaps. I have participated in the execution of several search and seizure warrants, including the searches of residences, business offices, and vehicles. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. The information contained in this affidavit is based on my knowledge, my observations during the course of this investigation, information conveyed to me by other law enforcement officers, and on my examination and review of physical evidence obtained during the investigation.

4. This affidavit contains only that information necessary to establish probable cause in support of a criminal complaint. This affidavit is not intended to include each and every fact and matter observed by or made known to agents of the government.

PROBABLE CAUSE

5. Since February 2022, members of the United States Postal Inspection Service (“USPIS”) have been investigating the mailing of numerous anonymous letters containing threats to kill the recipient, which were mailed via the United States Postal Service (USPS) from the Syracuse, New York area and delivered to multiple victims in Upstate New York, as well as a victim in California.

A. Threats to Victim 1 (February and May 2022)

6. In February 2022, USPIS was contacted by VICTIM #1 (V1) regarding a death threat that V1 received via the USPS. V1 advised that V1’s parents had received an envelope at their residence in Clinton, New York, which was addressed to V1. V1’s parents opened the envelope, which contained one piece of legal pad yellow paper. The yellow paper had a handwritten message of “I’M GOING TO KILL YOU DEAD.” V1 stated that V1 does not

currently reside at the residence, but had lived there previously with V1's parents, who still reside there. I took custody of the letter and envelope and sent them to the USPIS Forensic Laboratory for analysis.

7. In May 2022, I received information that V1 had received in the mail additional death threats. Three additional threats had been received by V1's parents via USPS, which were addressed to V1. I took custody of these three additional pieces of yellow legal pad paper containing death threats and their respective envelopes. I recovered a fourth unopened letter addressed to V1 from the Clinton Post Office on May 26, 2022. With V1's consent, I opened the envelope and found it contained an additional death threat on yellow legal pad paper, which

matched the previous threats. I transferred these four new threats and envelopes to the USPIS Forensic Laboratory for analysis. The letters mailed to V1 in May 2022 are depicted below:

I'M GOING TO
kill you
Dead!!!

Addressed to V1, postmarked May 11, 2022

I'M GOING TO
KILL YOU AND
YOUR FAMILY DEAD!!!
I'M GOING TO BURN
DOWN YOUR HOUSE
& PISS ON THE ASHES!!!

Addressed to V1, postmarked May 19, 2022

I'M GOING TO
KILL YOU
DEAD!!!

Addressed to V1, postmarked on or about May 23, 2022

(the second digit of the date is smudged but appears to read “23”).

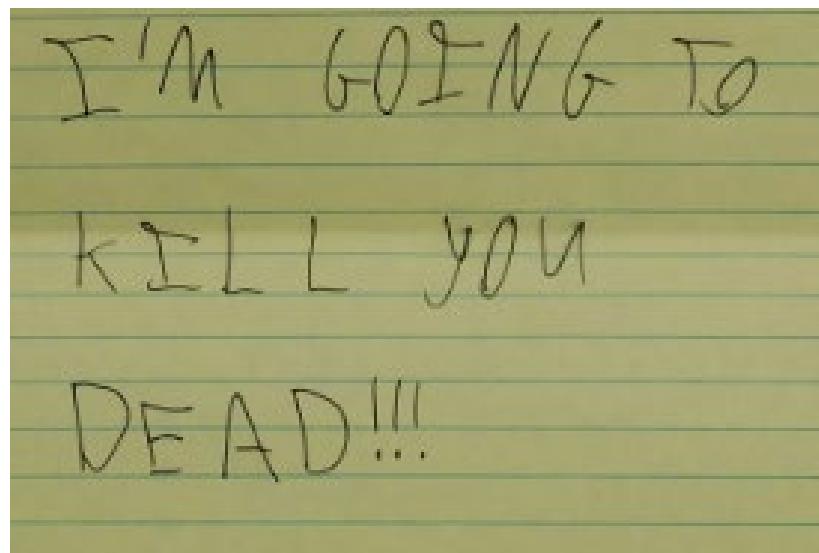
I'M GOING TO
KILL YOU
DEAD!!!

Addressed to V1, postmarked May 20, 2022

B. Threats to Victim 2 (May 2022)

8. On May 25, 2022, USPIS was contacted regarding a death threat received via USPS on or about May 23, 2022, to VICTIM #2 (V2), at V2's residence in New York. I learned that V2 received an envelope at V2's residence which was addressed to V2's maiden name. The envelope was opened and found to contain a yellow paper with a handwritten threat on it. I was later advised that on or about May 23, 2022, additional letters had been delivered to V2 both at V2's primary residence and at V2's parents' residence. The letters were written in similar handwriting and used similar threatening language as the first that was received by V2.

9. Two letters addressed to V2 were postmarked May 20, 2022: one sent to V2's primary residence and one to V2's parents' residence. Two additional letters addressed to V2 were postmarked May 23, 2022, both addressed to V2 at the same address. The handwritten letters each contained the same handwritten message, one example of which is shown below:



Addressed to V2, postmarked May 20, 2022

10. I obtained the letters and observed that the handwriting on the envelopes/letters, the paper that the threats were written on, and the writing utensil (black ballpoint pen) used to write on the envelopes appeared to match the envelopes/threats received by V1.

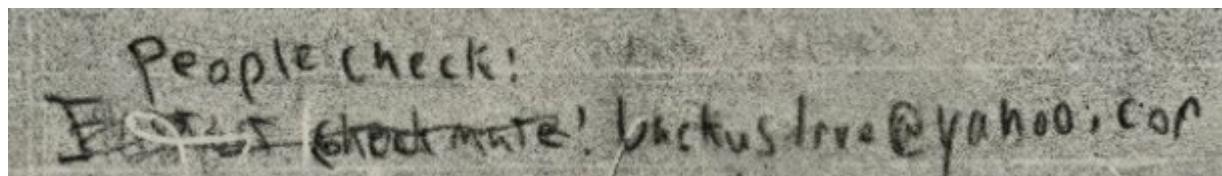
11. I contacted V1 and V2, who advised that they did not know each other. Neither victim could identify any connections between themselves. I transferred the evidence secured from V2 to the USPIS Forensic Laboratory for fingerprint analysis and handwriting comparison to the letters previously obtained from V1.

C. Identification of DAVID BACKUS

12. A forensic document examiner examined the envelopes and letters sent to V1 and V2, to determine whether the paper on which the letters were written contained indented impressions. Indented impressions include impressions left behind on a piece of paper by a writing utensil that was used on an upper sheet of paper in a notepad, for example. Based on that analysis, the forensic examiner found on one of the letters sent to V1 indented impressions that appeared to contain:

- a. V1's name, street addresses, and email addresses;
- b. The name and part of a street address for other individuals, including Victim 3 ("V3"), described further below;
- c. The phrases "Peoplecheck" and "Instantcheckmate," with a login email address and a password written next to it.

13. The forensic document examiner used specialized computer software to color the indented impressions to make them readable, as shown below:



Upon reviewing the results, I observed that the login email address possibilities included "vackuslove@yahoo.com," "vackuslive@yahoo.com," "backuslove@yahoo.com," "backuslive@yahoo.com," "wackuslove@yahoo.com," or "wackuslive@yahoo.com"). I asked

V1 and V2 if these potential email addresses had any meaning to them. Both victims advised that they were familiar with an individual named David BACKUS through coaching or school. V1 later provided investigators with a phone number for BACKUS, which I queried in an open-source database. The phone number returned to David A. Backus. A search of a law enforcement database showed that Backus was associated with PO Box 3503 at the USPS Syracuse General Mail Facility (GMF).

14. On July 27, 2022, I obtained the application for PO Box 3503 and observed that that box was rented to David Backus. Further, the handwriting on the application appeared to match the handwriting on the envelopes which the threats were mailed in. Additionally, the application lists an e-mail address of backusdave@yahoo.com. I secured the application as evidence and transferred it to the USPIS Forensic Laboratory for analysis and handwriting comparison to the previous exhibits. The physical address listed on the PO Box application was the **Subject Location** and a telephone number of (315) 750-0285 was listed.

15. On the same date, I conducted a Criminalized Criminal History search for BACKUS. I observed that BACKUS had previously been arrested and convicted for Aggravated Harassment 2nd Degree in New Hartford Town Court on April 11, 2019. I contacted the Oneida County Sheriff's Office and obtained copies of the reports for the investigation. I noted that the investigation involved allegations of BACKUS making threats to teachers and other school district personnel via e-mail and USPS. Those threats included threats to kill the victim-recipients.

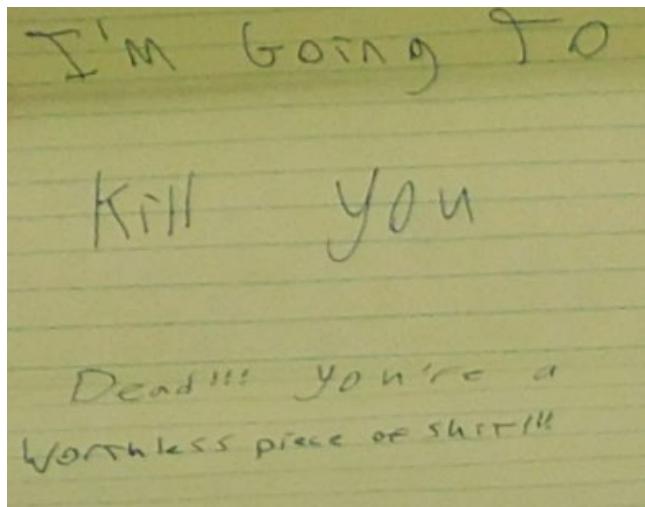
16. On September 23, 2022, the USPIS Forensic Laboratory issued a report regarding the analysis of fingerprints on the documents previously analyzed by the forensic document

examiner. Laboratory personnel identified BACKUS's fingerprints on the envelopes and/or threats delivered to V1, V2, and V3.¹

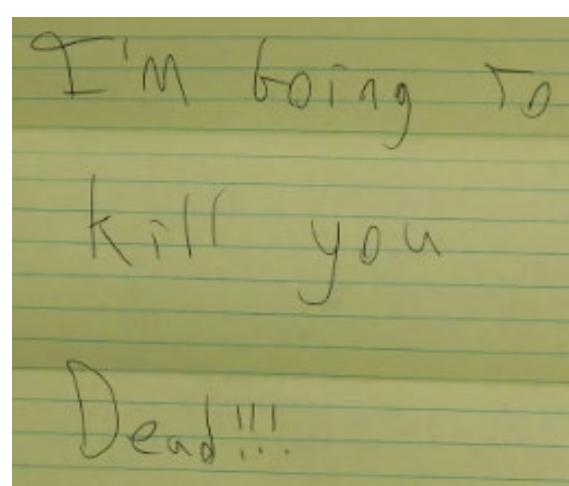
D. Threats Sent to Victim 3

17. I contacted V3, whose information was contained in the indented impressions uncovered by the USPIS Forensic Laboratory. V3 confirmed that V3 had also received similar threats via USPS and had preserved the threats. V3 advised that V3 had contacted V3's local police department about the threats but was advised that no action would be taken.

18. V3 stated that V3 had previously received two letters from an unknown individual in 2014 and 2015. The letters were delivered by the USPS to V3's current residence. V3 reported the letters to the local police department, which had not investigated further. V3 had saved the letters and provided them to me. V3 stated that V3 began receiving additional threats in 2022. V3 also provided those letters to me. Some of the handwritten threats received by V3 in 2022 are shown below:

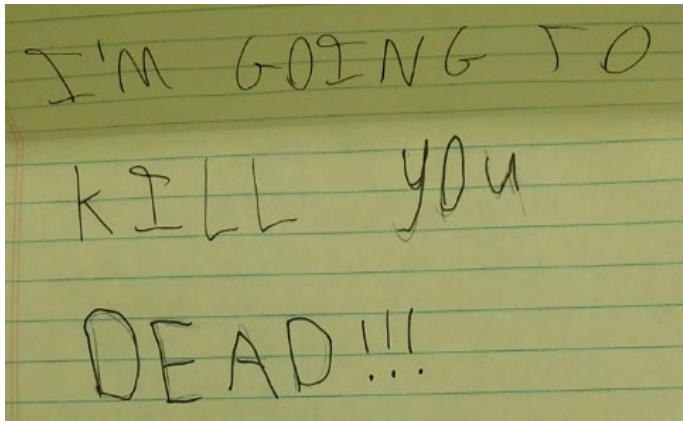


Addressed to V3, postmarked February 19, 2022

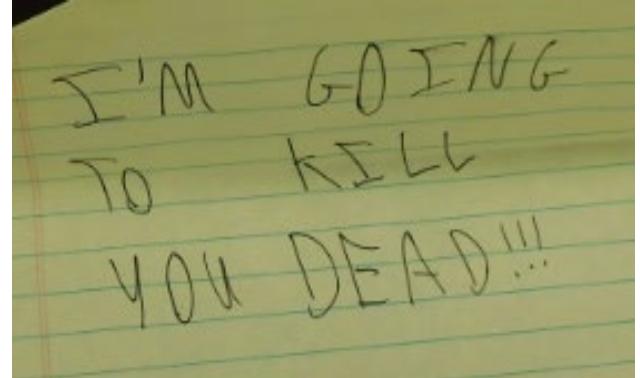


Addressed to V3, postmarked May 11, 2022

¹ BACKUS's fingerprints were on file from a previous arrest.



Addressed to V3, postmarked May 20, 2022



Addressed to V3, postmarked May 23, 2022

19. I asked V3 if they were familiar with BACKUS. V3 stated that the “name sounded familiar” but they could not recall anything regarding BACKUS. I showed V3 a photograph of BACKUS. V3 stated that they did recall BACKUS as a student at OCM BOCES but could not recall any issues or confrontations with him. V3 stated that V3 was familiar with the victims involved in BACKUS’s prior conviction (see paragraph 15, above), because they worked together at OCM BOCES.

20. The handwriting, paper, and language of the threats sent to V3 are all consistent with the threats sent to V1 and V2. Further, the handwriting on the envelopes and the format of the writing on the envelopes, including the lack of return address, was also consistent with previously obtained evidence related to this investigation.

21. I submitted the threats I obtained from V3 to the USPIS Forensic Laboratory, for analysis and comparison with the threats received by V1 and V2.

22. On September 7, 2022, the USPIS Forensic Laboratory issued a report which detailed the analysis of letters and envelopes mailed to V1, V2, V3, and BACKUS’s PO Box application. The document examiner concluded that BACKUS probably wrote the envelopes

and/or threats received by V1, V2, and V3. The examiner further determined that BACKUS probably wrote the indented impressions developed on several of the documents submitted.²

E. BACKUS's Use of People-Finding Services

23. On August 9, 2022, I reviewed business records from Instantcheckmate.com. Instantcheckmate.com is a public records search service that permits subscribers to find information about individuals, including contact information, phone numbers, and addresses. The e-mail address backusdave@yahoo.com was associated with an account for the website, which was subscribed to David Backus. The account listed an associated telephone number of (315) 750-0285. The account showed a history of searches for V2 and V3. The account showed to be paid for via PayPal by David Backus, with a billing address of PO Box 3503, 178 Slindes Woods Circle, North Syracuse, New York.

F. Additional Victims

1. Victim 4

24. On September 23, 2022, I began contacting individuals that were searched for on the TruthFinder, Inc. account. I spoke with VICTIM #4 (V4), who stated that they had received threats via USPS earlier in 2022. V4 stated that V4 had reported the threats to the local police department in California, who advised that they could not help V4. V4 advised that they preserved the threats and agreed to send them to me for further investigation. V4 described the letters as a single piece of yellow paper with the message "I'M GOING TO KILL YOU DEAD" written on it. The threat came in an envelope with no return address.

² The examiner stated her conclusions using the standards and terminology developed by the Scientific Working Group for Forensic Document Examination. The examiner stated that "The qualified finding is necessitated by the limited amount of comparable known writing submitted for examination and by the presence of characteristics in the questioned writing which were not fully demonstrated in the submitted known writing."

25. V4 stated that V4 suspected a childhood friend, David BACKUS, was the writer of the letters. V4 and BACKUS had been friends for a long time and made plans to have dinner when V4 was returning to the area a few years ago. V4 missed the dinner with BACKUS and has not had any interaction since that time. V4 began receiving the threatening letters approximately one year after the missed dinner with BACKUS. V4 contacted BACKUS's family and confronted them about the letters after receiving them. V4 was advised that the family members confronted BACKUS about the letters, and he admitted to sending them to V4.

2. Victim 5

26. On September 23, 2022, while continuing to contact individuals that were searched for on the TruthFinder, Inc. account, I spoke with Victim #5 (V5). V5 stated that they had received a letter at their place of employment in Oswego, New York, which contained a death threat. V5 stated that they had reported this incident to the Oswego Police Department (OPD) at that time. V5 stated that one of their co-workers had also received a similar threat at the same facility. V5 did not have anyone that they suspected of sending the threat, but stated that they have many potential suspects due to the nature of their work as a healthcare provider. I then contacted OPD and was provided with photographs of both envelopes and letters which were recovered from V5's place of business. I observed two white envelopes, one addressed to V5 and one addressed to another individual. Both envelopes had a return address of "Office of Mental Health Albany, NY," were postmarked in Syracuse in November 2021, and appeared to contain the same handwriting. Each envelope contained a single piece of yellow lined paper with message "I'M GOING TO KILL YOU DEAD!!!" written on it.

3. Victim 6 (February through September 2022)

27. On June 9, 2022, I was contacted by an investigator from the New Hartford Police Department (NHPD). NHPD advised that a local town official ("Victim #6" or "V6") had received

similar threats on similar paper. The language and style of the handwritten threats and the paper used and the paper on which they were written appeared to match the threats mailed to the other victims.

28. V6 received an additional threat in the last week of September 2022. I received photographs of the threats sent to V6. I observed three white envelopes addressed to V6 that had no return address. One envelope was postmarked in February 2022, one was postmarked in May 2022, and one was postmarked in September 2022. Each envelope contained a single piece of yellow lined paper with different messages written on them. The first piece of paper had “You are a sick Twisted Piece of fucking shit!!! I hate your guts you Worthless Jackass!!! BURN IN HELL!!!” written on it. The second piece of paper had “I’M GOING TO KILL YOU DEAD!!!” written on it. The third piece of paper had “I’M GOING TO KILL YOU DEAD!!!” written on it.

G. Recent Threats

29. On September 28, 2022, I was contacted by V1 and advised that their parent’s had received an additional threat. I contacted the Clinton Post Office and was advised that the item had been held at the Post Office before it was delivered per a request from V1’s parents.

30. On September 29, 2022, I was contacted by V3 and advised that they had received an additional threat at their residence. V3 advised that the threat appeared to be from the same sender as the previous threats that V3 had received.

31. On October 3, 2022, I obtained consent from V1 to open the letter addressed to them. I opened the envelope and observed a single piece of yellow lined paper with the message “I’M GOING TO KILL YOU DEAD” written on it. I then reviewed the letter received by V3 and observed a white envelope addressed to V3 that had no return address. I opened the envelope and observed a single piece of yellow lined paper with the message “I’M GOING TO KILL YOU DEAD YOU DIRTY FUCKING CUNT!!!” written on it. I observed that both envelopes appeared

to be the same hand writing and the messages on the yellow pieces of paper appeared to be the same handwriting. Further, the handwriting on both envelopes appeared to match the handwriting on previous envelopes mentioned previously and the handwriting on the yellow paper appeared to match the handwriting on the previous threats. I then transferred both items to the USPIS Forensic Laboratory for handwriting analysis and fingerprint analysis.

CONCLUSION

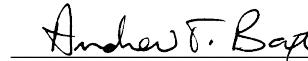
32. Based on the facts detailed above, I respectfully submit that there is probable cause to believe that DAVID BACKUS has violated Title 18, United States Code, Section 876(c).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE



William M. Price
United States Postal Inspector

I, the Hon. Andrew T. Baxter, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on October 20, 2022, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Andrew T. Baxter
United States Magistrate Judge